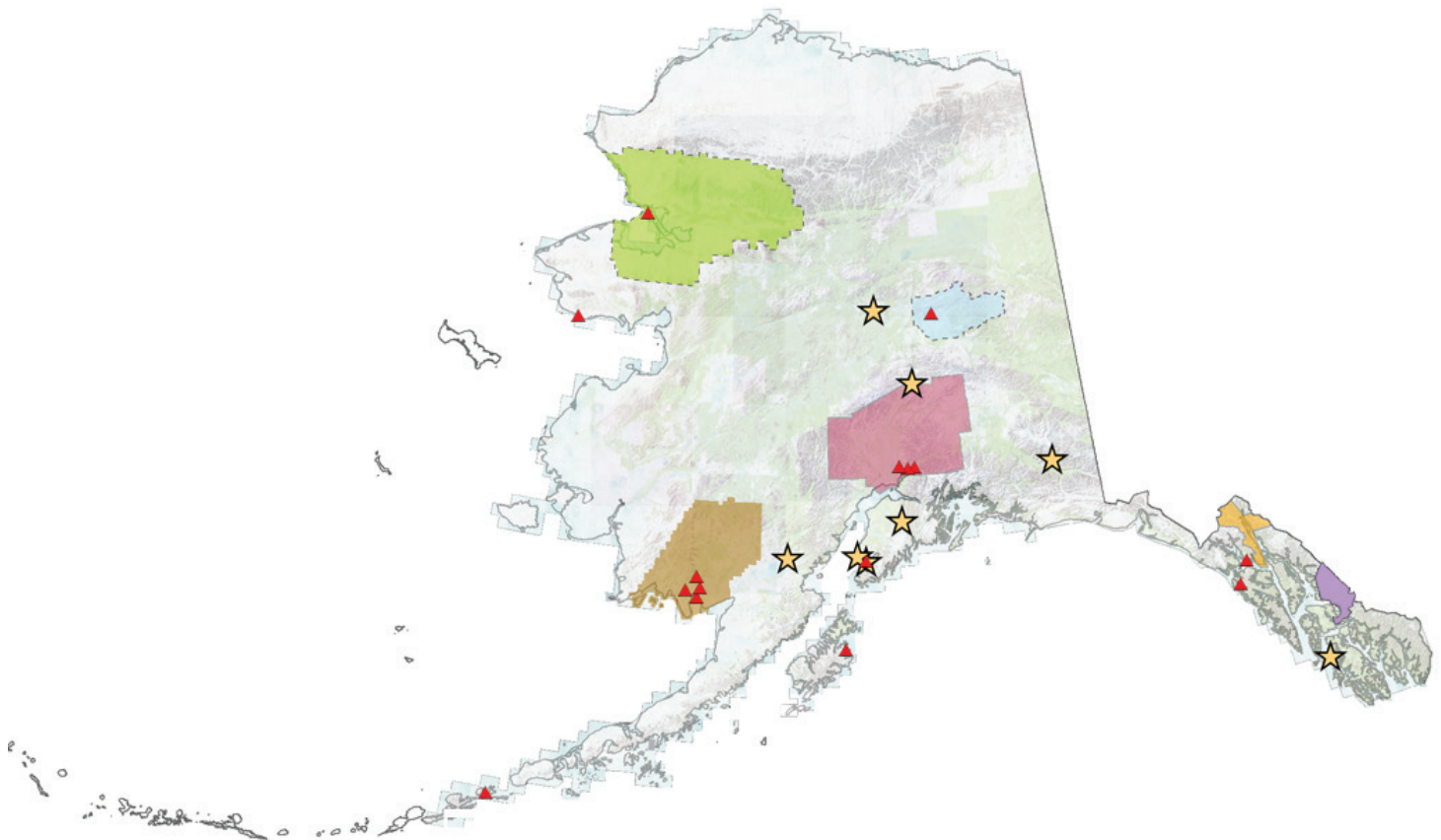


Local Boundary Commission

Report to the 27th Alaska State Legislature, 1st Session

February 2011



- ★ (City Incorporation) (9)
- ▲ (City Annexation) (15)

Inquiries or petitions to the LBC

- Dillingham (Borough Incorporation)
- Petersburg (Borough Incorporation)
- Matanuska-Susitna Borough (Borough Detachment)
- Haines Borough (Borough Detachment)
- Fairbanks Borough (Borough Dissolution)
- Northwest Arctic Borough (Borough Dissolution)

Lynn Chrystal, Chair
John Harrington, First Judicial District
Robert Harcharek, Second Judicial District
Larry Semmens, Third Judicial District
Lavell Wilson, Fourth Judicial District



Local Boundary Commission
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This annual report to the legislature was drafted by Brent Williams and Don Burrell, staff to the Local Boundary Commission and by Lorence Williams, publications technician with Alaska's Department of Commerce, Community, and Economic Development.

The Local Boundary Commission complies with Title II of the Americans with Disabilities Act of 1990. Upon request, this report will be made available in large print or other accessible formats. Requests should be directed to the Local Boundary Commission staff at 907-269-4587 or 269-4559. This report is also available on the Local Boundary Commission's website at:

<http://www.commerce.state.ak.us/dcra/lbc/lbc.htm>

Graphic Illustration Only – This publication's maps are intended to be used only as general reference guides. Source documents remain the official record.



State of Alaska Local Boundary Commission

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February 2011

Dear Members of the Alaska State Legislature:

As members of the Local Boundary Commission (LBC or commission), we are pleased to present our annual report to the First Session of the Twenty-seventh Alaska State Legislature. This report briefly describes the LBC. It summarizes the activities of the commission and its staff during 2010.

There are boundary issues of particular interest to the commission which have remained in issue since statehood, including:

1. Developing adequate incentives to encourage borough formation and annexation to existing boroughs.
2. Informing the legislature and Alaskan citizens about the commission's role and duties.

We ask that the legislature consider these issues. The LBC is eager to work collaboratively with the Alaska State Legislature to address these local boundary change issues, and to help shape our state's future municipal landscape.

Very truly yours,

The Local Boundary Commission

Handwritten signature of Lynn Chrystal in cursive.

Lynn Chrystal, Chair

Handwritten signature of John Harrington in cursive.

John Harrington, Commissioner

Handwritten signature of Robert Harcharek in cursive.

Robert Harcharek, Commissioner

Handwritten signature of Larry Semmens in cursive.

Larry Semmens, Commissioner

Handwritten signature of Lavell Wilson in cursive.

Lavell Wilson, Commissioner

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Chapter 1. Background

Local Boundary Commission's Constitutional Foundation

Article X of the Constitution of the State of Alaska created the Local Boundary Commission (also referred to as "LBC" or "commission")¹. The commission is responsible for establishing and modifying proposed municipal government boundaries. Those Alaskans who drafted the state's constitution believed that local governments should have authority to determine which powers they would exercise. The drafters of the Alaska State Constitution also asserted their belief that the state should set municipal boundaries because "local political decisions do not usually create proper boundaries and that boundaries should be established at the state level²." Placing decision making authority with a state body allows arguments for and against boundary changes to be analyzed objectively, taking areawide or statewide needs into account³.

Local Boundary Commission's Statutory Authority

Pursuant to 29.06.040(a) "the Local Boundary Commission may consider any proposed municipal boundary change." AS 29.06.040(a) further reads: the commission may amend the proposed change and may impose conditions on the proposed change. If the commission determines that the proposed change, as amended or conditioned if appropriate, meets the applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change. Otherwise it shall reject the proposed change. A Local Boundary Commission decision under this subsection may be appealed under AS 44.62.

1 Article X, section 12 states, "A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action."

2 *Fairview Public Utility District No. 1 v. City of Anchorage*, 368 P.2d 540, 543 (Alaska 1962) (citing *Alaska Constitutional Convention Minutes of Committee on Local Government*, November 28 and December 4, 1955).

3 *Id.*

LBC Duties and Functions

The LBC acts on proposals for several different municipal boundary changes. These are:

- Incorporating municipalities⁴
- Annexing to municipalities
- Detaching from municipalities
- Merging municipalities
- Consolidating municipalities
- Reclassifying municipalities
- Dissolving municipalities

In addition to the above, the LBC under AS 44.33.812 shall:

- Make studies of local government boundary problems
- Adopt regulations providing standards and procedures for municipal incorporation, annexation, detachment, merger, consolidation, reclassification, and dissolution

The LBC may present proposed local boundary changes to the legislature concerning boundary changes under article X, section 12 of Alaska's constitution.

Nature of the Commission

Boards and commissions are frequently classified as quasi-executive, quasi-legislative, or quasi-judicial, based on their functions within the Alaska constitution's separation of powers framework. The LBC is a quasi-legislative commission with quasi-executive and quasi-judicial attributes.

Quasi-Legislative

In 1974, 1976, and again in 1993, the Alaska Supreme Court stated that Alaska's constitution gives the LBC legislative authority to make fundamental public policy decisions. The court stated that:

[T]he Local Boundary Commission has been given a broad power to decide in the unique circumstances presented by each petition whether borough government is appropriate. Necessarily, this is an exercise of delegated legislative authority to reach basic policy decisions. Accordingly, acceptance of the incorporation petition should be affirmed if we perceive in the record a reasonable basis of support for the

4 The term "municipalities" includes both city governments and borough governments.

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Commission's reading of the standards and its evaluation of the evidence⁵.

Under AS 44.33.812(a)(2), the LBC carries out another quasi-legislative duty when it adopts "regulations providing standards and procedures for municipal incorporation, annexation, detachment, merger, consolidation, reclassification, and dissolution. . . ."⁶

Quasi-Executive

Article X, section 12 of Alaska's constitution placed the LBC in the state's executive branch. The commission's duty under AS 44.33.812(a)(1) to "make studies of local government boundary problems" is one example of the LBC's quasi-executive nature.

Quasi-Judicial

Although it is part of the executive branch and exercises delegated legislative authority, the LBC also has a quasi-judicial nature. In particular, the LBC has a mandate to apply pre-established standards to facts, to hold hearings, and to follow due process in conducting petition hearings and rulings.

The LBC's quasi-judicial nature requires that a reasonable basis of support exist for the LBC's reading of the standards and evaluating the evidence. The LBC's quasi-legislative nature provides it with considerable discretion in applying those standards and weighing evidence.

Limits on Directly Contacting the LBC

When the LBC acts on a petition for a municipal boundary change, it does so in a quasi-judicial capacity. LBC proceedings regarding a municipal boundary change must be conducted in a manner that upholds everyone's right to due process and equal protection. Those rights are preserved by ensuring that communications with the LBC concerning municipal boundary proposals are conducted openly and publicly.

To regulate communications, the LBC adopted 3 AAC 110.500(b) which expressly prohibits private (ex parte) contact between the LBC and any individual, other than its staff, except during a public meeting called to address a municipal boundary proposal. The limitation takes effect upon a

⁵ *Mobil Oil Corp. v. Local Boundary Comm'n*, 518 P.2d 92, 98-99 (Alaska 1974). See also *Moore v. State*, 553 P.2d 8, n. 20 at 36 (Alaska 1976); and *Valleys Borough Support v. Local Boundary Comm'n*, 863 P.2d 232, 234 (Alaska 1993).

⁶ See *U.S. Smelting, Refining & Min. Co. v. Local Boundary Comm'n*, 489 P.2d 140 (Alaska 1971), discussing applying due process requirements to develop boundary change standards and procedures in commission proceeding

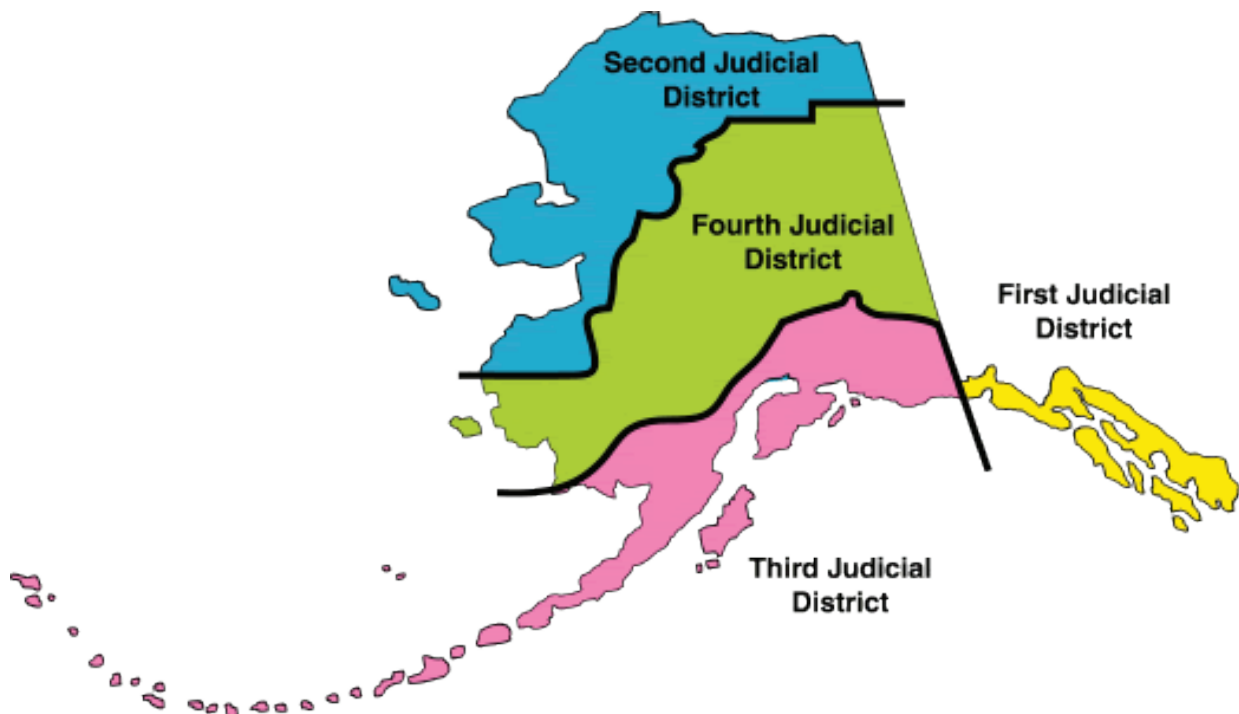
petition's filing and remains in place through the last date available for the commission to reconsider a decision. If a LBC decision is appealed to the court, the ex parte contact limitation is extended throughout the appeal, in the event that the court requires additional consideration by the LBC.

All communications with the commission must be submitted through the LBC's staff.

LBC Membership

The LBC is an autonomous commission. The governor appoints LBC members for five-year overlapping terms (AS 44.33.810). Notwithstanding their terms' prescribed length, however, LBC commissioners serve at the governor's pleasure (AS 39.05.060(d)).

The LBC is comprised of five members. (AS 44.33.810). One member is appointed from each of Alaska's four judicial districts. The chair is appointed from the state at large. LBC members receive no pay for their service.



The following are the current LBC members' biographies:



Lynn Chrystal, Chair, At Large Appointment, Valdez. Governor Palin appointed Lynn Chrystal to the Local Boundary Commission as the member from the Third Judicial District, effective March 27, 2007. On September 10, 2009, Governor Parnell chose him to be the LBC's chair. Mr. Chrystal is a former mayor and member of the City Council of the City of Valdez. He has been in Alaska since 1963, and has lived in Valdez since 1975. Mr. Chrystal retired in 2002 from the federal government after four years in the Air Force and 36 years with the National Weather Service. The chair has worked in Tin City, Barrow, Yakutat, and Valdez. He has served on the boards of several civic groups and other organizations including the Resource Development Council, Pioneers of Alaska, and Copper Valley Electric Cooperative. His current term on the LBC ends on January 31, 2013.



John Harrington, First Judicial District, Ketchikan. Governor Parnell appointed John Harrington to the Local Boundary Commission on September 10, 2009. Mr. Harrington is a real estate manager. He previously worked as an adult education coordinator in Ketchikan from 1985-97, and as a special education teacher and administrator in Washington from 1972-84. He has served on the Ketchikan Gateway Borough Assembly since 2005, and is the vice mayor. Mr. Harrington's community service includes chairing the North Tongass Fire and EMS Service Area Board from 2002-05, serving on the Ketchikan Charter Commission from 2003-04, and serving as an elected member of Ketchikan Gateway Borough's school board from 1988-94. He earned a bachelor's degree in psychology and history from Western Washington University, and a master's degree in educational administration from Seattle University. His current term on the LBC ended on January 31, 2011.



Robert "Bob" Harcharek, Second Judicial District, Barrow. Governor Knowles appointed Commissioner Harcharek to the LBC on July 18, 2002. Governor Murkowski reappointed him to the LBC on March 24, 2004. He has served as the commission's vice chair. On March 9, 2009, Governor Palin reappointed him to the LBC. In 1977 he earned a Ph.D. in International and Development Education from the University of Pittsburgh. Commissioner Harcharek served for 3 years in Thailand as a Peace Corps volunteer. Dr. Harcharek has lived and worked on the North Slope for more than 30 years. He recently retired from the North Slope Borough as the Community and Capital Improvement Projects (CIP) Planner

for the Department of Public Works. Dr. Harcharek served as a member of the Barrow City Council for 15 years, and is currently Barrow's mayor and chief administrative officer. His current LBC term ends on January 31, 2014.



Larry Semmens, Vice Chair, Third Judicial District, Soldotna. Governor Parnell appointed Larry Semmens to the Local Boundary Commission on September 10, 2009. Mr. Semmens is a certified public accountant and the city manager of the City of Soldotna. Previously, he was the finance director for the City of Kenai from 1996-2008. He served in the finance department of the Kenai Peninsula Borough from 1981-1996.

Mr. Semmens currently chairs the Alaska Public Entities Insurance Pool and was recently reappointed to the Alaska Municipal League Investment Pool Board. He is a member of the American Institute of Certified Public Accountants and the International City Managers Association. Commissioner Semmens served in the U.S. Air Force from 1973-76. He earned a bachelor's degree in business administration from Boise State University. His current term on the LBC ends on January 31, 2012.



Lavell Wilson, Fourth Judicial District, Tok. Governor Palin appointed Tok's Lavell Wilson to the LBC on June 4, 2007. He moved to Alaska in 1949, and has lived in the Northway/Tok area since. Mr. Wilson attended the University of Alaska Fairbanks and Brigham Young University. He became a licensed big game guide in 1963. Mr. Wilson served the area outside of the Fairbanks North Star Borough in the

Alaska House of Representatives (eighth legislature). Commissioner Wilson worked as a licensed aircraft mechanic, commercial pilot, and flight instructor for 40 Mile Air from 1981- 95, retiring as the company's chief pilot and office manager. He has also worked as a surveyor, teamster, and construction laborer, retiring from the Operating Engineers' Local 302 in Fairbanks. As a member of Local 302, he worked for 12 years on the U.S. Air Force's White Alice system, the ballistic missile defense site at Clear, and Cape Newenham's radar site. Mr. Wilson has also taught a course at the University of Alaska for the past few years on the history of the Upper Tanana Valley. His current LBC term ends on January 31, 2015.

Local Government Agency

Constitutional Origin

Alaska's constitution called for establishing an executive branch agency to advise and assist local governments (article X, section 14). The duty to serve as the constitutional local government agency is presently delegated to the Alaska Department of Commerce, Community, and Economic Development (Commerce) pursuant to AS 44.33.020(a)(4). Within Commerce, the Division of Community and Regional Affairs (DCRA) performs the local government agency's functions⁷. In addition to its more general duty to aid local governments, DCRA provides staff, research, and assistance to the LBC.

LBC Staff Role

The role of the LBC staff is set out in 3 AAC 110.435. LBC staff is required by 3 AAC 110.5308 to investigate and analyze each boundary change proposal and to make recommendations regarding it to the LBC. For each petition, staff will write at least one report for the commission. The report(s) is made available to the public as well. Staff follows a reasonable basis standard in developing recommendations on matters before the LBC. Its recommendations to the LBC are based on properly interpreting the applicable legal standards, and rationally applying those standards to the proceeding's evidence. Due process is best served by providing the LBC with a thorough, credible, and objective analysis of every municipal boundary proposal.

The LBC staff provides support to the commission. Also, the LBC staff delivers technical assistance to municipalities; to residents of areas impacted by existing or potential petitions to create or alter municipal governments; to petitioners; to respondents; to agencies; and to others.

Assistance which the LBC staff provides includes:

- Answering citizen, legislative, and other governmental inquiries relating to municipal government issues
- Writing reports on petitions for the LBC
- Drafting LBC decisional statements
- Traveling to communities to hold meetings and to answer questions about proposed local boundary changes
- Drafting for the LBC an annual report to the legislature

7 AS 44.33.020(a)(1) provides that Commerce "shall (1) advise and assist local governments."
8 Also see AS 29.04.040, AS 29.05.080, AS 29.06.110; and AS 29.06.480 - 29.06.490.

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- Developing and updating municipal incorporation or alteration forms
- Sending local boundary change forms and materials to interested persons
- Providing a link between the LBC and the public
- Maintaining incorporation and boundary records for Alaska's municipal governments
- Coordinating and scheduling LBC public meetings and hearings
- Developing orientation materials and providing training for new LBC members
- Maintaining and preserving LBC records in accordance with Alaska's public records laws

The LBC staff can be contacted at the following address, telephone numbers, fax number, or email addresses:

Local Boundary Commission staff
 550 West Seventh Avenue, Suite 1770
 Anchorage, Alaska 99501-3510
lbc@alaska.gov

Brent Williams: (907) 269-4559
brent.williams@alaska.gov

Don Burrell: (907) 269-4587
don.burrell@alaska.gov

Fax: (907) 269-4539

Commission Procedures

Procedures to establish and alter municipal boundaries and to reclassify cities are designed to ensure every proposal's reasonable and timely determination. The procedures are also intended to ensure that commission decisions are based on analyzing the facts and the applicable legal standards. A procedures summary follows:

Preparing and Filing a Petition

The LBC staff offers technical assistance, information, and petition forms to prospective petitioners. LBC staff routinely advises petitioners to submit draft petitions for staff to identify any technical deficiencies in the petition's

form and content. This allows the petitioner to correct the petition before it is circulated for voter signatures, or before a municipal government formally adopts the petition.

Once a formal petition is prepared, it is submitted to LBC staff for technical review. If the petition contains all the required information, the LBC staff accepts the petition for filing.

Public Notice and Public Review

Once a petition is accepted for filing, extensive public notice is given. There is ample opportunity for public comment during the process. Interested parties are given at least seven weeks to submit responsive briefs and comments supporting or opposing a petition. The petitioner is provided at least two weeks to file one brief replying to responsive briefs.

Analysis

Following the public comment period, the LBC staff analyzes the petition, responsive briefs, written comments, the reply brief, and other materials. The petitioner, and the LBC staff, can conduct informational meetings. If the petition is for incorporation, the LBC staff must hold at least one public meeting within the boundaries proposed for incorporation. When it ends its analysis, the LBC staff issues a preliminary report which includes a recommendation to the LBC.

The preliminary report is circulated for public review and comment typically for a minimum of four weeks. After reviewing the comments on its report, the LBC staff typically issues its final report⁹. The final report typically discusses comments received on the preliminary report, and notes any changes to the LBC staff's recommendations to the commission. The final report must be issued at least three weeks prior to the LBC's public hearing.

Commission Review of Materials and Public Hearings

LBC members review the petition, responsive briefs, written comments, reply briefs, and the staff reports. The LBC is an autonomous commission. While the commission is not obligated to follow the staff's recommendations, it has historically considered the LBC staff's analyses and recommendations to be critical components of the record in municipal boundary proceedings. The LBC considers the entire record when it renders a decision.

⁹ "Typically" refers to the fact that under 3 AAC 110.590, procedures for some kinds of local action petitions are modified. This pertains to annexations if the municipality already owns the property to be annexed, or if all the property owners and voters in the area proposed to be annexed petition the municipality's governing body.

The commission may tour the area before the hearing to better understand the area. Following extensive public notice, the LBC conducts at least one hearing in or near the affected area or territory. The commission must act on the petition within 90 days of its final public hearing.

The LBC may act by:

- Approving the petition as presented
- Amending the petition (e.g., expanding or contracting the proposed boundaries)
- Imposing conditions on approving the petition (e.g., requiring voter approval of a proposition authorizing levying taxes to ensure financial viability)
- Denying the petition

LBC Decisions Must Have a Reasonable Basis

LBC decisions regarding petitions must have a reasonable basis. Both the LBC's interpretation of the applicable legal standards and its evaluation of the evidence in the proceeding must be rational¹⁰. The LBC must proceed within its jurisdiction; conduct a fair hearing; and avoid any prejudicial abuse of discretion. Abuse of discretion occurs if the LBC has not proceeded in the manner required by law, or if the evidence does not support the LBC's decision.

While the law allows the commission 90 days following its last petition hearing to reach a decision, the LBC typically renders its decision within a few days of the hearing. Within 30 days of its decision date, the LBC must adopt a written decision stating the basis for its decision. Decision copies are provided to the petitioner, respondents, and others who request them. At that point the decision becomes final, but is subject to reconsideration. Any person may ask the LBC to reconsider its decision. Such requests must be filed within 18 days after the decision is mailed. The LBC may order reconsideration on its own motion. If the LBC does not approve any reconsideration requests within 30 days of the decision's mailing date, all reconsideration requests are automatically denied.

10 See *Keane v. Local Boundary Commission*, 893 P.2d 1239, 1241 (Alaska 1995). When an administrative decision involves expertise regarding either complex subject matter or fundamental policy formulation, the court defers to the decision if the decision has a reasonable basis. AS 29.03.010 provides that "[a]reas of the state not within the boundaries of an organized borough constitute a single unorganized borough."

Implementation

3 AAC 110.630(a) specifies conditions that must be met before a LBC final decision is effective. If the LBC approves a petition, the proposal is typically subject to approval by voters or disapproval by the legislature, depending on whether it was filed as a local action petition, or a legislative review petition, respectively. A petition that has been approved by the commission takes effect upon satisfying any stipulations imposed by the commission. If an election was held, certification of the legally required voter approval of the LBC's final decision is needed from the director of elections or the appropriate municipal official. The action must also receive favorable review under the federal Voting Rights Act of 1965. If all of 3 AAC 110.630(a)'s requirements have been met, the department shall issue a certificate describing the effective change.

Alaskan Municipal Government Overview

Alaska law provides for types of two municipalities: City governments and organized boroughs. City governments are community municipalities and organized boroughs are regional municipalities. Those Alaska regions not in an organized borough constitute a single unorganized borough¹¹.

Boroughs

Alaska law provides for the following classes of organized boroughs:

- Home rule: Unified and nonunified
- General: First class and second class

Home rule boroughs are the most popular form of organized borough in Alaska, followed closely by second class boroughs. There is only one first class borough (Municipality of Skagway).

By law, every organized borough must exercise the following powers areawide:

- Public education
- Tax assessment and collection where municipal taxes are levied
- Planning
- Platting
- Regulation of land use

¹¹ AS 29.03.010 provides that "[a]reas of the state not within the boundaries of an organized borough constitute a single unorganized borough."

Home rule boroughs have charters (constitutions). Article X, section 11, of Alaska's constitution provides that home rule boroughs "may exercise all legislative powers not prohibited by law or by charter." AS 29.10.200 lists 61 specific limitations on home rule municipalities.

Alaska's unified home rule boroughs can have no city governments within them¹². When a unified municipality is formed, all city governments within the unified municipality are automatically dissolved. None can ever form again as long as the borough remains a unified borough. Non-unified home rule boroughs may have cities within them.

There are four unified boroughs in Alaska:

- City and Borough of Juneau
- City and Borough of Sitka
- Municipality of Anchorage
- City and Borough of Wrangell

There are four other organized boroughs in Alaska that also have no city governments within them. They are the Bristol Bay Borough, the Haines Borough, the Municipality of Skagway, and the City and Borough of Yakutat. As such, city governments could legally be formed in those boroughs.

General law boroughs (first and second class) are empowered exclusively by statutes. Still, statutes allow general law boroughs to assume a broad array of powers. First class boroughs have greater powers than second class boroughs. A principal distinction between a first class borough and a second class borough relates to how its powers are assumed. A first class borough may exercise any power not prohibited by law on a nonareawide basis (i.e., in the area of the borough outside cities) by adopting an ordinance. In contrast, voters must approve a second class borough's authority to exercise many nonareawide powers.

¹² A unified municipality is defined as a borough by 3 AAC 110.990(1). Art. X, sec. 2 of Alaska's constitution recognizes only cities and boroughs as municipalities. Further, the legislature treats unified municipalities as boroughs. For example, the statutes use the same standards for borough incorporation as they do for incorporation of a unified municipality (AS 29.05.031). By contrast, the legislature has established separate standards for city incorporation (AS 29.05.011).

Cities

There are three city government classifications:

- Home rule
- First class
- Second class

A city government's powers and duties vary both with its particular classification, and whether it is located within an organized borough. The most fundamental distinction among city governments is that home rule and first class city governments in the unorganized borough must provide for education, planning, platting, and land use regulation. Second class cities are not permitted to exercise education powers.

Generally, first class cities have more powers than do second class cities. Other differences between first and second class cities include taxing authority and the mayor's powers and duties. A community must have at least 400 permanent residents to form a first class city.

Any city within an organized borough may, upon authority delegated by the organized borough which it's in, exercise planning, platting, and land use regulation. Second class cities in the unorganized borough are permitted, but not required, to exercise planning, platting, and land use regulation.

Conclusion

This chapter has described the Local Boundary Commission's background, including its legal basis, powers, membership, and procedures. It also gave an overview of Alaskan municipal government. Chapter 2 will discuss the activities that the LBC and its staff have engaged in during the past year. That includes petitions brought before the LBC, LBC legal matters, and citizen or governmental requests for assistance and information.

Chapter 2. Activities and Developments

Chapter 2 discusses activities that the LBC and its staff engaged in during the past year. The activities include petitions brought before the LBC, as well as citizen or governmental requests for assistance and information. Please note that the terms "LBC staff", "Commerce", "department", or "staff" are used synonymously.

Section I. City Incorporation

- ◆ Anchor Point
- ◆ Cantwell
- ◆ Cooper Landing
- ◆ Edna Bay
- ◆ Elfin Cove
- ◆ Iliamna
- ◆ Kachemak Selo
- ◆ Manley Hot Springs
- ◆ McCarthy



Anchor Point

Location:	Anchor Point is located on the Kenai Peninsula at the junction of the Anchor River and its north fork, 14 miles northwest of Homer. It lies at mile 156 of the Sterling Highway.
Population:	1,772
Classification:	Unincorporated
Borough:	Kenai Peninsula Borough

In October, Anchor Point's Chamber of Commerce assistant contacted LBC staff to ask about incorporating Anchor Point as a second class city. She indicated that Anchor Point had considered incorporation several times in the last fifteen years. She also indicated that Anchor Point was ready to initiate a petition. Staff sent her city incorporation information, and offered further assistance.

Cantwell

Location:	Cantwell is located on the George Parks Highway at the west end of the Denali Highway, 211 miles north of Anchorage and 28 miles south of Denali National Park.
Population:	200
Classification:	Unincorporated
Borough:	Denali Borough

In November, a Cantwell resident called to ask about Cantwell incorporating as a second class city. This was the second such Cantwell incorporation inquiry received in three weeks. Staff answered questions, sent information, and encouraged the resident to contact LBC staff if additional information was needed.

Cantwell is also interested in creating a new community association that would have representatives from the current Cantwell Community Incorporated Association and the Cantwell Native Association. The rationale is that the new organization could petition DCRA to be deemed the Appropriate Village Entity (AVE). With the AVE status the association could have the state negotiate land settlements that could help it secure land to meet community goals.

Cooper Landing

Location:	Cooper Landing is at the west end of Kenai Lake on a stretch of the Sterling Highway, 30 miles northwest of Seward in the Chugach Mountains.
Population:	344
Classification:	Unincorporated
Borough:	Kenai Peninsula Borough

In July, Representative Paul Seaton's office asked that city incorporation information be sent to the community of Cooper Landing. Information was sent to the community through Representative Seaton's office. LBC staff offered to send anything else that might be needed.

Edna Bay

Location:	Edna Bay is located on the southeast coast of Kosciusko Island, northwest of Prince of Wales Island, in Southeast Alaska. It lies 90 miles northwest of Ketchikan.
Population:	49
Classification:	Unincorporated
Borough:	Unorganized borough

Edna Bay is interested in incorporating as a second class city. In July, LBC staff sent Edna Bay materials regarding second class city incorporation. Later an Edna Bay resident asked how to determine the number of signatures needed for a second class city petition. LBC staff gave the community member the contact information for Division of Elections, and encouraged them to contact LBC staff with additional questions.

Elfin Cove

Location:	Elfin Cove lies on the northern shore of Chichagof Island, approximately 33 miles west of Hoonah and 70 miles by air and 85 miles by boat west of Juneau. The community is only accessible by small seaplane or boat.
Population:	25
Classification:	Unincorporated
Borough:	Unorganized borough

In March, LBC staff spoke with the Community of Elfin Cove's vice chair. The vice chair called LBC staff to get information on second class city incorporation. He informed staff that the community worked on a petition

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in 2009, and intended to file it later this year (2010). The community requested technical assistance from staff. As requested, LBC staff mailed publications, materials, relevant statutes and regulations, and a past petition in March. The vice chair stated he planned to review the materials, update the petition form, and submit it to staff for an initial review.



Elfin Cove's Inner Harbor

LBC staff was invited to visit Elfin Cove to further discuss possible city incorporation. In June, staff traveled to Elfin Cove to give a presentation on city incorporation methods, incorporation standards, and a petition's general timeline. The meeting was well attended.

Iliamna

Location:	Iliamna is located on the northwest side of Iliamna Lake, 225 miles southwest of Anchorage. It is near Lake Clark Park and Preserve.
Population:	91
Classification:	Unincorporated
Borough:	Lake and Peninsula Borough

In March, LBC staff spoke with an Iliamna resident who was concerned how local public services are being delivered. The resident was interested in the local boundary commission process. Per their request, LBC staff mailed the regulations and statutes pertaining to city incorporation and city annexation. DCRA staff was later contacted by the Iliamna resident. The DCRA staff confirmed neither LBC or DCRA staff could prepare a petition on the community's behalf.

She continued to explain that a petitioner would have to fill out the petition form. Staff further explained writing a letter, which the resident indicated he planned to do, about what he wanted would not be an acceptable substitute. DCRA staff explained the petition process and answered further questions that the resident asked. They discussed the possibility of creating a borough service area that could provide essential municipal services for Iliamna.

Kachemak Selo

Location:	Kachemak Selo is about 30 miles east of Homer.
Population:	160
Classification:	Unincorporated
Borough:	Kenai Peninsula Borough

Representative Paul Seaton called on behalf of his Kachemak Selo constituents in July. The community is interested in possibly incorporating as a second class city. LBC staff answered Representative Seaton's incorporation questions. LBC staff also sent information on second class city incorporation, and on second class city powers and duties. Per Representative Seaton's request, staff also sent similar materials to the community of Kachemak Selo.

Manley Hot Springs

Location:	Manley Hot Springs is located about five miles north of the Tanana River on Hot Springs Slough. It lies at the end of the Elliott Highway, 160 road miles west of Fairbanks.
Population:	81
Classification:	Unincorporated
Borough:	Unorganized borough

In April, the Manley Hot Springs Community Association president contacted LBC staff to ask about second class city incorporation. Staff answered his questions and provided information.

McCarthy

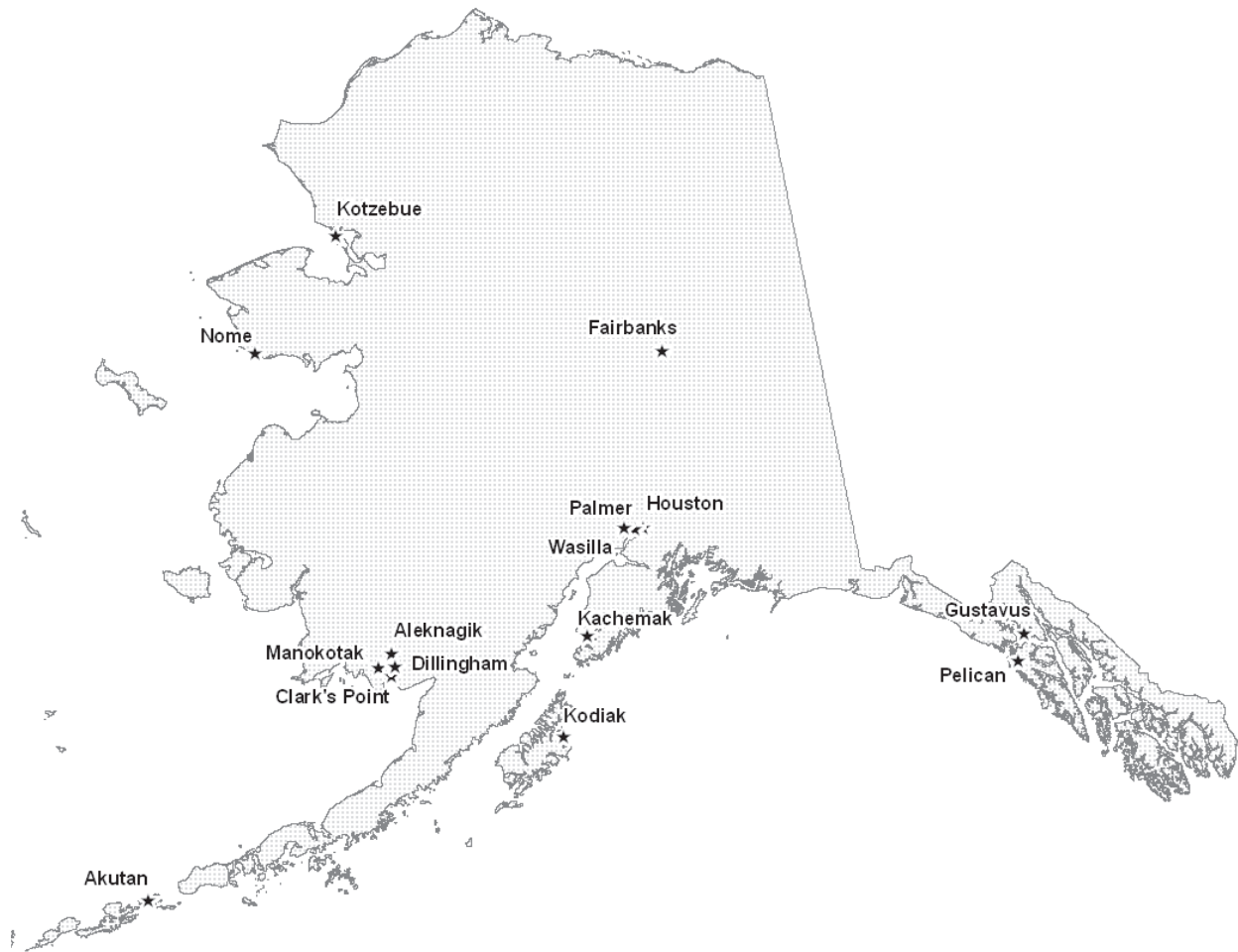
Location:	McCarthy lies 61 miles east of Chitina off the Edgerton Highway. It is on the Kennicott River, in the heart of the Wrangell-St. Elias National Park and Preserve.
Population:	51
Classification:	Unincorporated
Borough:	Unorganized borough

LBC staff spoke with a McCarthy resident in March. He had previously contacted LBC staff for city incorporation information. The resident is still interested in pursuing incorporation for McCarthy.

This time the resident asked about a then pending bill that would have transferred ownership of almost 200,000 acres of state land to the University of Alaska, and how that could affect a possible McCarthy incorporation. The resident believed that there is little state land available around McCarthy. By statute, any new municipality is entitled to 10% of vacant, unappropriated, or unreserved land within the boundaries of the municipality. Staff gave him information about municipal land entitlement.

Section II. City Annexation

- ◆ Akutan
- ◆ Aleknagik
- ◆ Clark's Point
- ◆ Dillingham
- ◆ Fairbanks
- ◆ Gustavus
- ◆ Houston
- ◆ Kachemak
- ◆ Kodiak
- ◆ Kotzebue
- ◆ Manokotak
- ◆ Nome
- ◆ Palmer
- ◆ Pelican
- ◆ Wasilla



Aleknagik

Location:	Aleknagik is located at the head of Wood River on the southeast end of Lake Aleknagik, 16 miles northwest of Dillingham. The area encompasses 11.6 sq. miles of land and 7.2 sq. miles of water.
Population:	229
Classification:	Second class city
Borough:	Unorganized borough

Aleknagik had voiced concerns about the current Dillingham annexation petition. Aleknagik had expressed interest in filing an annexation petition, so staff sent the city an annexation petition form and informed the city about how to file a petition for concurrent consideration with the Dillingham petition.

Akutan

Location:	Akutan is located on Akutan Island in the eastern Aleutians, one of the Krenitzin Islands of the Fox Island group. It is 35 miles east of Unalaska and 766 air miles southwest of Anchorage. The city encompasses 14.0 sq. miles of land and 4.9 sq. miles of water.
Population:	846
Classification:	Second class city
Borough:	Aleutians East Borough

LBC staff sent the Akutan city administrator a petition using the local option method in which all property owners and voters in the area petition the governing body (e.g. the city council). This method is informally known as "unanimous consent." Staff also explained the modified procedures available under 3 AAC 110.590. These procedures apply only to petitions if the municipality owns the land, or if by unanimous consent.

Clark's Point

Location:	Clark's Point is located on a spit on the northeastern shore of Nushagak Bay, 15 miles from Dillingham and 337 miles southwest of Anchorage. The city encompasses 3.1 sq. miles of land and 0.9 sq. miles of water.
Population:	61
Classification:	Second class city
Borough:	Unorganized borough

The City of Clark's Point expressed concern about Dillingham's proposed annexation. The City of Clark's Point believed that some of the territory Dillingham proposed for annexation would be more appropriately included in Clark's Point's boundaries. Clark's Point had submitted petitions in the late 1980s regarding annexing some of this territory.

Clark's Point had submitted a brief annexation petition, but it did not have the required information, and could not be accepted. Staff sent the city a petition form, regulations, and pertinent information about annexation. Staff also provided Clark's Point options for filing a competing petition, participating in Dillingham's annexation as a respondent, or participating in Dillingham's petition as a commenter. Staff offered to discuss these options with Clark's Point. A petition was not resubmitted.

Dillingham

Location:	Dillingham is located at the extreme northern end of Nushagak Bay in northern Bristol Bay, at the confluence of the Wood and Nushagak Rivers. It lies 327 miles southwest of Anchorage and is a 6 hour flight from Seattle. The city encompasses 33.6 sq. miles of land and 2.1 sq. miles of water.
Population:	2,264
Classification:	First class city
Borough:	Unorganized borough

In 2009, the City of Dillingham inquired about submitting an annexation petition to the LBC. LBC staff sent information and corresponded with several individuals in and outside of the City of Dillingham regarding a potential annexation petition.

In late January 2010, LBC staff received additional questions from the city's consultant regarding the annexation petition form and its required

information. The consultant informed staff that the city anticipated submitting a petition in February.

In early March, LBC staff received the Dillingham petition for annexation by local action. Staff proceeded with the technical review of the petition. LBC staff finished its technical review of Dillingham's petition. Staff found some deficiencies in the petition's form and content, and per 3 AAC 110.440(c) consulted the LBC chair.

The chair concurred with staff to return the petition for correction and completion of the deficient parts of the petition. Staff sent the corrections to the Dillingham consultant and the City of Dillingham in mid-April. LBC staff offered to answer any questions and provide technical assistance as Dillingham corrected the petition.

The City of Dillingham resubmitted its corrected annexation petition in mid-May. It was returned a second time for additional corrections and resubmitted in mid-June 2010. Staff completed its third technical review of Dillingham's revised annexation petition and accepted the petition for filing on July 2.

The LBC chair set October 1, 2010, as the deadline for public comment, and submission of responsive briefs. The representative of one of the Dillingham Census Area communities stayed in contact with LBC staff to follow the progress of the Dillingham petition. Once the petition was accepted for review by the commission, he along with all other interested parties was notified.

LBC staff received eleven public comments and one responsive brief during the initial public comment period. The release date for the preliminary report was set for late January 2011. Once the preliminary report is released, a public comment period on the preliminary report will last at least thirty (30) days. A final report will then be written and released by the LBC staff. The LBC tentatively plans to hold its public hearing and decisional meeting in late April 2011.

Fairbanks

Location:	Fairbanks is located in the heart of Alaska's Interior, on the banks of the Chena River in the Tanana Valley. By air, Fairbanks is 45 minutes from Anchorage and 3 hours from Seattle. It lies 358 road miles north of Anchorage. The city encompasses about 32.4 sq. miles of land and 0.8 sq. miles of water.
Population:	32,506
Classification:	Home rule city
Borough:	Fairbanks North Star Borough

In November, 2009, the Local Boundary Commission held its public hearing and decisional meeting on the City of Fairbanks's petition to annex .05 square miles of territory by legislative review. In late January 2010, the LBC presented its decision on the City of Fairbanks' annexation petition to the legislature. The presentation materials were received and read into the legislative record on Tuesday, January 19, 2010. Once the decision was received by the legislature, the legislature has 45 days to disapprove the LBC's decision.

Representative Tammie Wilson introduced HJR 39, which sought to disapprove the LBC's decision. HJR 39 was referred to the House Community and Regional Affairs Committee. In February, both the Senate and House Community & Regional Affairs committees held hearings regarding the City of Fairbanks's annexation petition. LBC staff and the LBC chair were present for both hearings. Commissioner John Harrington was present for the Senate Community & Regional Affairs Committee hearing. The LBC chair and the staff supervisor answered questions presented by both committees.

The resolution disapproving the LBC's decision was not concurred in by a majority of the members of each house within the required timeline set by law. The LBC decision received Department of Justice preclearance in compliance with the federal Voting Rights Act of 1965. In June, the commissioner of the Department of Commerce, Community and Economic Development reviewed and certified the boundaries approved by the LBC.

An original of the municipal certificate was sent to the City of Fairbanks for retention. A second original was sent to the recorder's office in Fairbanks and was returned to the LBC for retention. The effective date of the annexation was July 1, 2010.

LBC staff received many inquiries from legislators, City of Fairbanks

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and Fairbanks North Star Borough public officials, media, and legal representatives. Each inquiry was answered in a timely manner.

After an appeal was filed, staff prepared the necessary agency records by April 12, 2010. It encompasses 2,584 pages. Please see litigation activity for further information.

Gustavus

Location:	Gustavus lies on the north shore of Icy Passage at the mouth of the Salmon River in the St. Elias Mountains, 48 air miles northwest of Juneau. It is bordered by Glacier Bay National Park and Preserve on three sides, and by the waters of Icy Passage on the south. The city encompasses 29.2 sq. miles of land and 10.0 sq. miles of water.
Population:	451
Classification:	Second class city
Borough:	Unorganized borough

In June, the City of Gustavus City Council held the required public hearing on a proposed annexation petition by the legislative review method.

The city had submitted a petition the previous year but it had not passed technical review. In late July, the City of Gustavus resubmitted its petition to annex Falls Creek drainage lands and Icy Passage tidelands. LBC staff conducted its standard technical review on the July petition. Staff reviewed the submitted petition and found that several critical parts of the petition needed additional explanation before the petition could be accepted for review by the LBC.

The petition was returned once more to correct deficiencies in the form and content of the petition. The City of Gustavus resubmitted its annexation petition for technical review on November 15. In December staff finished the Gustavus technical review and accepted the annexation petition for filing. We informed the city by phone, and sent the official acceptance letter. The letter explains what notice and other procedures the city must do, and by when. The letter includes a checklist to help with that. Public comment opened for interested parties December 16th and will continue through March 4, 2011.

The territory consists of lands to Gustavus's east comprising the Falls Creek drainage (where the new hydroelectric plant is), and a tidelands and submerged lands portion of Icy Passage between the present city limits and

Pleasant Island. A hearing and decisional meeting are scheduled for August 17 – 18, 2011. Staff expects that the petition, if approved, will go to the legislature in the 2012 session.

Houston

Location:	Houston is located 18 miles northwest of Wasilla and 57 road miles north of Anchorage. It lies on the George Parks Highway, along the Little Susitna River. The city encompasses 22.4 sq. miles of land and 1.2 sq. miles of water.
Population:	1,664
Classification:	Second class city
Borough:	Matanuska-Susitna Borough

In March, a City of Houston resident contacted LBC staff regarding city annexation. A subdivision consisting of about 25 to 40 lots is interested in becoming part of the city. Currently, the subdivision receives no fire protection. Staff discussed the different methods for city annexation, and sent the resident publications, regulations, and a petition form.

Kachemak

Location:	Kachemak is on the East Road, adjacent to Homer, on the Kenai Peninsula. It is on the northern shore of Kachemak Bay. The city encompasses 1.6 sq. miles of land and 0.0 sq. miles of water.
Population:	430
Classification:	Second Class City
Borough:	Kenai Peninsula Borough

There is a part of a subdivision outside of Kachemak city limits that is interested in being annexed into the city. Part of the subdivision is in the city, and part is outside. All the homeowners who are outside the city would like to be part of the city in order to gain improved road maintenance and improved fire safety service. Per the subdivision's request, LBC staff sent a petition form for city annexation by unanimous consent to the homeowners association. Staff also sent a copy of the regulations and statutes, along with general information about city annexation and the petition process. LBC staff was later invited to travel to Kachemak to discuss the information sent.

LBC staff visited Kachemak in late July and was given a tour of the area.

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Later, staff gave a presentation about annexation by unanimous consent. The homeowners' association has sought an annexation petition authorized by city council ordinance. As all the involved owners agree to the proposed annexation, there would be no election. The association intends to ask the city to submit the unanimous consent petition to the LBC early in 2011. Later, Representative Paul Seaton's office asked for more information about on the possible Kachemak Estates Annexation petition, and asked that staff keep Rep. Seaton's office posted.

Kodiak

Location:	Kodiak is located near the northwestern tip of Kodiak Island in the Gulf of Alaska. Kodiak Island (aka: "the emerald isle") is the largest island in Alaska and is the second largest island in the US. It is 252 air miles south of Anchorage (a 45 minute flight) and is a 4 hour flight from Seattle. The city encompasses 3.5 sq. miles of land and 1.4 sq. miles of water.
Population:	6,626
Classification:	Home rule city
Borough:	Kodiak Island Borough

A property owner requested that her property be annexed into the City of Kodiak. LBC staff spoke with city officials previously about this issue. In April, LBC staff received an email from the city clerk asking for an annexation petition form, and guidance on how to proceed with the owner's request. LBC staff informed the city clerk that there are four different methods (one legislative, three local action) for city annexation, and each method required different forms. The city clerk informed LBC staff she would speak with the city manager and tell staff which method Kodiak would use. Later the staff spoke with both the city manager and the city clerk, and answered their questions. LBC staff encouraged the city to contact us with any questions.

Kotzebue

Location:	Kotzebue is on the Baldwin Peninsula in Kotzebue Sound, on a 3 mile long spit, which ranges in width from 1,100 to 3,600 feet. It is located near the mouths of the Kobuk, Noatak, and Selawik Rivers, 549 air miles northwest of Anchorage and 26 miles above the Arctic Circle. The city encompasses 27.0 sq. miles of land and 1.7 sq. miles of water.
Population:	3,154
Classification:	Second class city
Borough:	Northwest Arctic Borough

The city of Kotzebue is interested in annexing territory within the Northwest Arctic Borough to develop a new airport and other economic opportunities. An attorney representing the city of Kotzebue contacted and visited LBC staff to gather information about the methods of annexation, and to collect a copy of the annexation petition form. We reviewed the standards with him. He indicated that staff could expect a petition in the spring.

Kotzebue's city manager also visited staff to collect additional information. He also invited staff to give a presentation about annexation to the city and borough's planning departments in February 2011. LBC staff gave all the information requested to both individuals and will continue to work with the city as Kotzebue develops the city's annexation petition.

Manokotak

Location:	Manokotak is located 25 miles southwest of Dillingham on the Igushik River. It lies 347 miles southwest of Anchorage. The area encompasses 36.4 sq. miles of land and 0.9 sq. miles of water.
Population:	438
Classification:	Second class city
Borough:	Unorganized borough

In May the Manokotak Village Council inquired about annexing the boundaries of Igushik Beach. LBC staff later spoke with the City of Manokotak mayor. Staff informed both the Village of Manokotak and the City of Manokotak what the city's annexation options were and asked what the city wanted to do.

Nome

Location:	Nome was built along the Bering Sea on the south coast of the Seward Peninsula, facing Norton Sound. It lies 539 air miles northwest of Anchorage, a 75 minute flight. It lies 102 miles south of the Arctic Circle and 161 miles east of Russia. The city encompasses 12.5 sq. miles of land and 9.1 sq. miles of water.
Population:	3,468
Classification:	First class city
Borough:	Unorganized borough

LBC staff spoke with the Nome city planner in late March. The City of Nome is considering annexing municipally owned and privately owned land. Per the planner's request, staff emailed publications, regulations, and statutes pertaining to city annexation. The city planner also invited LBC staff to visit Nome to make a presentation with the planning committee. LBC staff visited Nome June 2 and 3 to participate in an open house, and to present a talk about annexation standards and procedures.

Palmer

Location:	Palmer is located in the center of the lush farmlands of the Matanuska Valley, 42 miles northeast of Anchorage on the Glenn Highway. The city encompasses 3.8 sq. miles of land and 0.0 sq. miles of water.
Population:	5,532
Classification:	Home rule city
Borough:	Matanuska-Susitna Borough

The City of Palmer has expressed interested in annexing a single lot into the city. Per request, in October staff sent the City of Palmer a draft petition form for a city to annex by the unanimous consent method. One parcel owner has asked for annexation. He owns a lot adjacent to the in-city church. The pastor purchased the lot to expand the church. He needs to annex the lot so that he can go through the borough platting process to combine the two lots.

Earlier in the year, several individuals had asked about a perceived Palmer annexation petition. We told them that no such petition had been filed with the LBC. Staff encouraged a resident to frequently check the LBC website, and to keep in contact with staff for any future City of Palmer annexation developments.

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As a result, staff called the city of Palmer Department of Community Development director to ask whether the city planned an annexation. She said that there was no annexation planned for now. The city was accepting public comment on a report up to May 17, 2010. The report is a strategy for any possible future annexations.

Staff told an inquiring resident that the City of Palmer's public comment period is separate from the LBC's public comment period, which would occur if and when the City of Palmer submits a petition to the LBC. Staff suggested that the resident contact the city directly to contribute his public comment on that report.

Pelican

Location:	Pelican is located on the northwest coast of Chichagof Island on Lisianski Inlet. It lies 80 miles north of Sitka and 70 miles west of Juneau. The city encompasses 0.6 sq. miles of land and 0.1 sq. miles of water.
Population:	122
Classification:	First class city
Borough:	Unorganized borough



Pelican's Harbor

LBC staff traveled to Pelican in June to make a presentation regarding city annexation and reclassification. The mayor and the public works director gave us a tour of the city, and the territories that the city might be interested in annexing. The presentation discussed the LBC's functions,

annexation methods, annexation standards, reclassification methods, reclassification standards, and a general timeline of a petition. The meeting was attended by residents from inside and outside the city.

Wasilla

Location:	Wasilla is located midway between the Matanuska and Susitna Valleys, on the George Parks Highway. It lies between Wasilla and Lucille Lakes, 43 miles north of Anchorage. The area encompasses 11.7 sq. miles of land and 0.7 sq. miles of water.
Population:	7,245
Classification:	First class city
Borough:	Matanuska-Susitna Borough

As of May, Wasilla was examining several different territories to potentially annex. The city has sent a survey to property owners to determine how to proceed based on the area's responses. LBC staff contacted Wasilla's deputy administrator to ask what, if any, annexation plans Wasilla had.

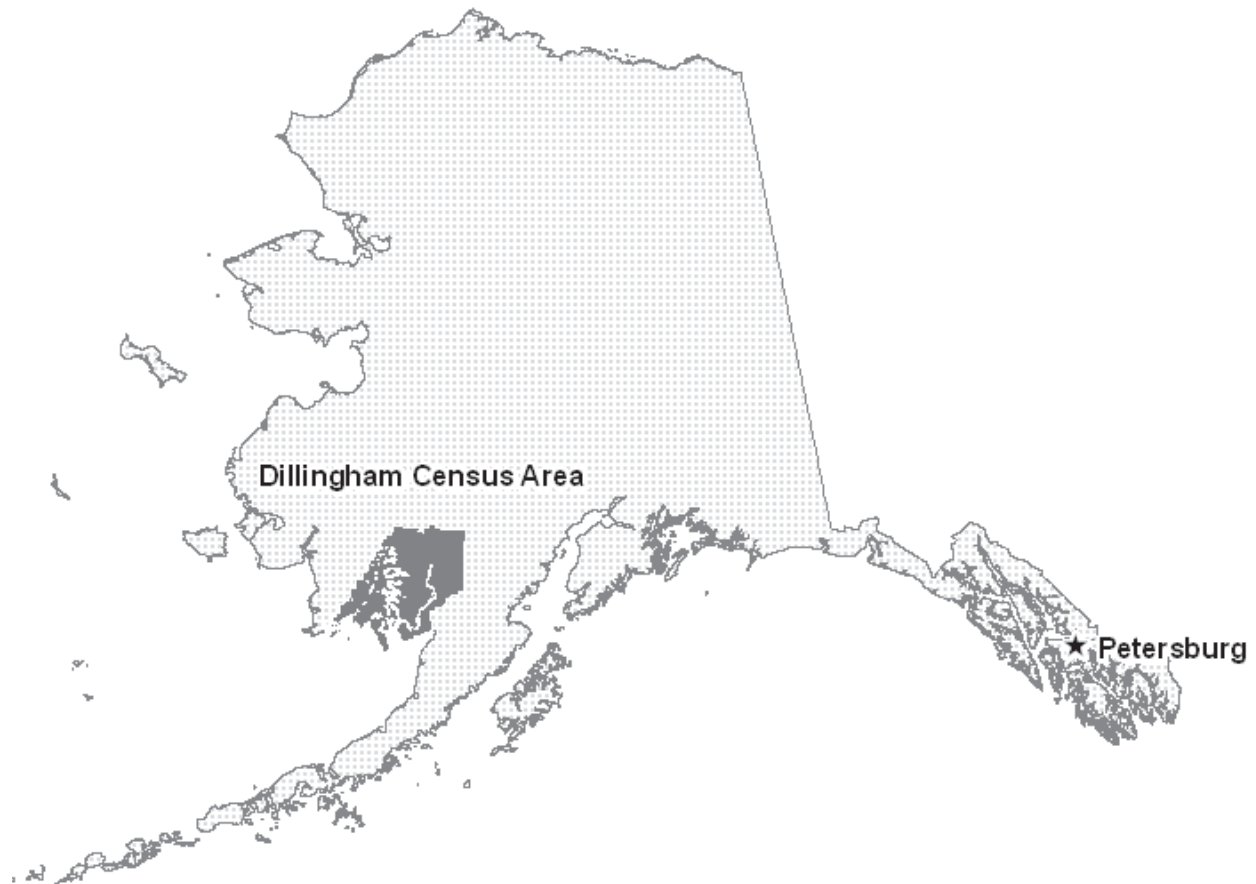
The deputy administrator responded that the city was still awaiting the survey's results. LBC staff thanked him for the information, invited him to contact staff with any questions, and asked that Wasilla keep the staff informed of any annexation developments.

In December, staff learned that the city is interested in possibly annexing some areas, but only if there is popular support for it. We discussed the annexation standards and procedures with Wasilla's deputy administrator. A petition does not seem imminent.

Section III. Borough Incorporation

Borough incorporation activities occurred in the following locations during 2010:

- ◆ Dillingham Census Area
- ◆ Petersburg



Dillingham Census Area

Location:	Dillingham is located at the extreme northern end of Nushagak Bay in northern Bristol Bay, at the confluence of the Wood and Nushagak Rivers. It lies 327 miles southwest of Anchorage and is a 6 hour flight from Seattle. The area encompasses 33.6 sq. miles of land and 2.1 sq. miles of water.
Population:	2,264
Classification:	First class city
Borough:	Unorganized borough

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A Dillingham Census Area resident said several communities of the Bristol Bay region were interested in forming a borough and wanted to know how to do it. DCRA staff responded and answered questions regarding the borough incorporation process. The resident requested that the LBC prepare the borough proposal. DCRA staff informed the resident that the LBC does not prepare petitions, but that instead the community was the petitioner and responsible for preparing all petition documents. The resident was aware of a borough study that had been done some time ago.

The resident continued by telling staff that community members were meeting in Dillingham soon to discuss forming a borough. DCRA staff encouraged the community members to contact the LBC staff supervisor if they later decided to request a copy of the borough incorporation petition form, or any other LBC information.

Petersburg

Location:	Petersburg is located on the northwest end of Mitkof Island, where the Wrangell Narrows meet Frederick Sound. It lies midway between Juneau and Ketchikan, about 120 miles from either community. The area encompasses 43.9 sq. miles of land and 2.2 sq. miles of water.
Population:	2,973
Classification:	Home rule city
Borough:	Unorganized borough

Several inquiries regarding the City of Petersburg filing a petition for borough incorporation came to LBC staff. The City of Petersburg, to date, has completed its petition for home rule borough incorporation by local action, and is collecting the final signatures necessary to formally file its petition with the Local Boundary Commission.

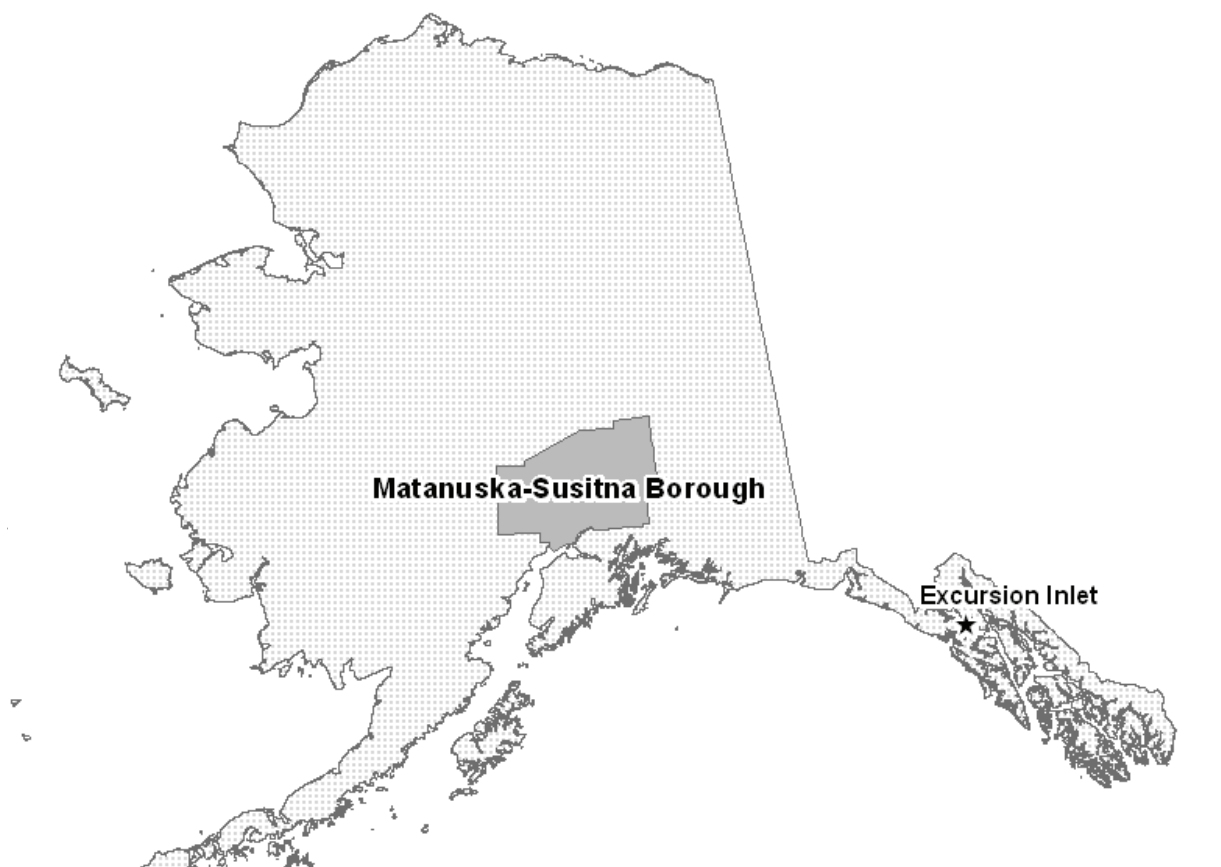
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Section IV. Borough Detachment

Borough detachment activities occurred in the following location during 2010:

- ◆ Matanuska-Susitna Borough
- ◆ Excursion Inlet



Matanuska-Susitna Borough

Location:	The borough is comprised of the lush farmlands of the Matanuska and Susitna Valleys, approximately 40 miles northeast of Anchorage. The area encompasses 24,681.5 sq. miles of land and 578.3 sq. miles of water.
Population:	84,314
Classification:	Second class borough
Borough:	Matanuska-Susitna Borough

A Skwentna resident contacted the LBC staff for a form to petition to detach from an existing borough, and concurrently incorporate a new borough.

LBC staff mailed a petition form to the resident with the applicable statutes and regulations, and a publication on the differences among borough classifications.

A second Matanuska-Susitna Borough resident requested and received a borough detachment petition form. The resident asked about the statutory requirements for voters' signatures in order to submit an acceptable petition. LBC staff went through the laws with the resident and encouraged him to contact the staff again with any further questions.

Excursion Inlet

Location:	Excursion Inlet is located in the Haines Borough, on the west coast of Lynn Canal, 38 miles northwest of Juneau.
Population:	11
Classification:	Unincorporated
Borough:	Haines Borough

An Excursion Inlet resident inquired about detaching from the Haines Borough, and joining the City of Gustavus. The resident indicated the community's residents had no interest in being part of Haines. LBC staff gave the resident a link to the relevant detachment and annexation regulations.

Section V. Borough Dissolution

Dissolution activities occurred in the following locations during 2010:

- ◆ Northwest Arctic Borough
- ◆ Fairbanks North Star Borough



Northwest Arctic Borough

Location:	The Northwest Arctic Borough is Alaska's second largest borough, comprising approximately 39,000 square miles along the Kotzebue Sound and along the Wulik, Noatak, Kobuk, Selawik, Buckland, and Kugruk Rivers. The area encompasses 35,898.3 sq. miles of land and 4,863.7 sq. miles of water.
Population:	7,366
Classification:	Home rule borough
Borough:	Northwest Arctic Borough

During budget discussions, the Northwest Arctic Borough school board contemplated the idea of borough dissolution. The borough planning director requested information on borough dissolution to provide to school board members. LBC staff responded with information regarding borough dissolution standards and procedures. Staff also provided general information and answers to some frequently asked questions.

Fairbanks North Star Borough

Location:	The Fairbanks North Star Borough is located in the heart of Interior Alaska and is the second largest population center in the state. The area encompasses 7,361.0 sq. miles of land and 77.8 sq. miles of water.
Population:	98,660
Classification:	Second class borough
Borough:	Fairbanks North Star Borough

A Fairbanks area resident called to request information on borough dissolution. LBC staff explained that a borough dissolution petition could be filed, but that it would have to meet certain standards.

Section VI. General Requests

LBC staff handled dozens of requests during the 2010 calendar year that did not concern proposed local boundary changes. These many requests and queries are not enumerated. They included requests for: Petition forms; municipalities' incorporation and reclassification certificates; publications; LBC minutes and transcripts; maps; and other LBC related information. There were also questions about: Municipal borders; municipal classifications; past petitions; the LBC website; regulations; general petition procedures; Department of Justice statutory and regulatory preclearance under the federal Voting Rights Act of 1965, and other subjects.

These requests and questions came from Alaskan citizens, and from the media. They also came from municipal, state, and federal officials. Staff answered questions efficiently, accurately, and courteously. If the requests were outside of the LBC's purview, staff referred the person to the proper agency for further assistance.

Section VII. Local Boundary Commission Activities

Local Boundary Commission Public Meeting Activities

- January 7, 2010: A telephonic LBC public meeting was held to consider the Fairbanks North Star Borough's reconsideration request. The commission discussed the reconsideration request. A motion to grant reconsideration failed by a vote of 0-4.
- February 8, 2010: An LBC meeting was held to (1) discuss and adopt the LBC's 2009 annual report to the Alaska State Legislature, (2) possible commission trips to Juneau to meet with the legislature, and (3) an update on the Fairbanks North Star Borough appeal (received February 3, 2010) status. The LBC's 2009 annual report was approved by the commission 4-0.
- February 9, 2010: The Senate Community and Regional Affairs Committee held a hearing on the Fairbanks annexation decision. The LBC, the City of Fairbanks, and the Fairbanks North Star Borough were each allotted 20 minutes to testify before the committee. The LBC chair and staff answered questions from committee members.

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- February 23, 2010: The House Community and Regional Affairs Committee held a hearing on the Fairbanks annexation decision. The hearing lasted a little over two hours. Testimony was heard from City of Fairbanks officials, Fairbanks North Star Borough officials, Representative Tammy Wilson, and other public members. Chair Lynn Chrystal and LBC staff supervisor Brent Williams attended the hearing and answered questions from committee members. The committee asked questions on LBC Commissioner Lavell Wilson's recusal and were respectfully referred to the December 17, 2008, LBC meeting transcript for further review, as the decision was being appealed.
- May 10, 2010: An LBC meeting was held to (1) elect a vice chair, (2) amend LBC bylaws, and (3) provide an update on the Fairbanks North Star Borough appeal.

LBC Commission and Staff Changes

- Governor Parnell reappointed Commissioner Lavell Wilson to the Local Boundary Commission on October 6, 2010. He was reappointed to the seat for the Fourth Judicial District.
- Brian Bitzer left the state of Alaska to attend law school in the fall of 2010. He served as a local government specialist IV until July 7, 2010.
- Don Burrell Jr. joined the LBC staff as a local government specialist IV, September 20, 2010. He was recruited from the Alaska State Legislature where he served as a Legislative Aide since 2007.

Section VIII. Litigation Update

Fairbanks North Star Borough v. Local Boundary Commission (Case No. 4FA-10-01181 CI)

In February, LBC staff received notice from the Fairbanks North Star Borough that the borough had filed an appeal with the superior court. The appeal concerned the LBC's decision to approve the City of Fairbanks' annexation petition. Staff forwarded the appeal notice to the commission. The appeal is proceeding.

City of Craig et al, v. Local Boundary Commission (Case No 1KE-08-04 CI)

On Friday, February 19, the Ketchikan Superior Court issued its decision upholding the LBC's December 5, 2007, approval of the Ketchikan Gateway Borough's (KGB) annexation petition.

On April 9, the Ketchikan Superior Court awarded partial attorney fees to the LBC and the KGB for the KGB annexation appeal from the City of Craig.

Mullins v. Local Boundary Commission, 226 P.3d 1012 (Alaska 2010)

On March 12, the Alaska Supreme Court affirmed dismissal of an appeal filed in superior court. The appeal concerned the previously proposed Deltana borough. The incorporation petition for the proposed Deltana borough had been defeated by the voters in August, 2007. The appeal was rendered moot after the incorporation election for the proposed Deltana Borough failed.